



**STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
DIVISION OF WATER POLLUTION CONTROL
401 Church Street
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Nashville, TN 37243-1534**

April 23, 2012

To: Regulated Municipal Separate Storm Sewer Systems

From: Division of Water Pollution Control (the division)

Subject: Qualifying Local Program for Construction Site Stormwater Runoff Control
Pilot Period (June 2012-13)

The division is pleased to announce the pilot offering of the [Tennessee Qualifying Local Program](#) (QLP) for Construction Site Stormwater Runoff Control. The QLP program is expected to eliminate duplication of the effort between state and local construction stormwater programs, and simplify requirements for construction site operators. The pilot period begins June 1st, 2012, and serves to identify program elements needing revision prior to final implementation.

The QLP program was developed through a grant funded stakeholder driven process, with the intent of creating an effective program that incentivizes participation. Resultant incentives include streamlined QLP minimum requirements, a standardized interagency enforcement protocol, and recognition of QLP status as an alternative measurement of MS4 permit effectiveness. Obtaining QLP status is optional, but all regulated [Municipal Separate Storm Sewer Systems](#) (MS4) are encouraged to consider participation.

Below, you will find additional detail on core QLP minimum requirements and application procedures. For more information, please call Robert Karesh (615) 253-5402, or Jennifer Watson (615) 532-0359, or email at storm.water@tn.gov.

Introduction:

The promulgation of the Phase I and II National Pollutant Discharge Elimination System (NPDES) stormwater regulations established federal requirements for state and municipal control of stormwater runoff from construction activity. As a result, the division was required to develop NPDES permits to regulate stormwater discharges associated with construction activity, such as the [General Permit for Discharges of Stormwater Associated with Construction Activities](#) (CGP). Municipalities identified as a regulated MS4 were required to develop programs, consistent with the CGP, to address construction site runoff within their jurisdictions.

Per [CFR 122.44\(s\)](#), the division can formally recognize an MS4 as a QLP that has been shown to meet or exceed the provisions of the CGP. If a construction site has submitted a program specific Notice of Intent (NOI) to a participating QLP, and has obtained a notice of coverage (NOC), the operator of the construction activity is authorized to discharge under the CGP without the submittal of a NOI, Stormwater Pollution Prevention Plan (SWPPP), or related permit fee to the division.

QLP Minimum requirements:

Regulated MS4s must implement and maintain a construction site stormwater runoff control program that addresses stormwater runoff from construction activities, as identified in [Sub-section 4.2.4](#) of the MS4 general permit. In addition, a QLP program must also include the following:

1. Requirements for construction site operators to prepare and submit an NOI, and related comprehensive SWPPP, as identified in Section 3 (SWPPP Requirements) of the CGP,
2. Specific procedures for SWPPP review, approval and NOC issuance
3. Requirements for construction site operators to perform inspections as identified in Sub-section 3.5.8, and site assessments as identified in Sub-section 3.1.2, of the CGP,
4. A system for reporting to the division, information related to construction sites authorized by the QLP.

Application for QLP Status:

An MS4 seeking QLP status during the pilot period may notify the division beginning May 1st, 2012, indicating the municipality's commitment to implement the QLP program as described. In addition to administrative information, the applicant will be asked to provide copies of their construction stormwater ordinances, site plan review and approval procedures, project inventory and tracking procedures, and Enforcement Response Plan.

Review of applicant information will be performed by the division's Central Office and Environmental Field Office personnel. Meetings will be scheduled with applicants to discuss their application's content and answer any related questions. Once the applicant has been approved, the MS4 receives provisional QLP status, which establishes time for any program modifications necessary to satisfy all QLP elements. Modifications may include revision of ordinances and policies, hiring or training of personnel, or purchasing related equipment.

The provisional period also provides the time necessary to educate all stakeholders, and procedurally move construction activities from a dual permit system to a single administered by the QLP. Stakeholder education is expected to be critical to the success of a smooth MS4 to QLP transition. There is no minimum amount of education required during the provisional period. However, it is expected that the provisional QLP will target appropriate internal and external stakeholders, and utilize various educational methods such as email and mailing lists, public meetings, signage and website content.

The length of the provisional period will differ for each applicant based on the nature of the program at the time of application. Once the provisional period is complete, the applicant will receive notification that they have successfully received full QLP status and may begin NOC issuance.